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PROPOSED ATTORNEY FOR DEBTOR

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE §
DFW BOAT SPECIALIST, LLC §
DEBTOR § Case no.23-40316-11
§
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§
CHAPTER 11

MOTION TO COMPEL RELEASE OF FUNDS

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION OR REQUEST FOR HEARING IS FILED WITH THE UNITED STATES BANKRUPTCY CLERK, 660 N CENTRAL EXPRESSWAY, SUITE 660, PLANO, TEXAS 75024, WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF THE FILING OF THIS MOTION, UNLESS THE COURT, SUA SPONTE, OR UPON TIMELY APPLICATION OF A PARTY IN INTEREST, SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION OR REQUEST FOR HEARING.

IF NO OBJECTION OR REQUEST FOR HEARING IS TIMELY FILED, THE MOTION SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. THE COURT RESERVES THE RIGHT TO SET ANY MATTER FOR HEARING.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, DFW Boat Specialist, LLC., Debtor in the above styled and numbered

cause, files this its Motion to Compel Release of Funds (“Motion”), and in support thereof would respectfully show unto the Court as follows:

1. On or about January 31, 2023, Debtor filed its Voluntary Petition for relief under Chapter 11 of the United States Bankruptcy Code and has continued in possession of its property and operation of its business as a Debtor-in-Possession pursuant to §§ 1184 of the Bankruptcy Code.

2. The Debtor operates a automobile dealership

3. As part of its operations the Debtor sell vehicles to third parties. When a customer wants to finance a vehicle, the Debtor refers the customer to Westlake Financial (“Westlake”).

4. Westlake then approves the customer for financing.

5. The Debtor has sold three vehicles to customers who received financing through Westlake. Customers, Anthony, Tromell andPerales all received financing through Westlake.

6. Pursuant to the sales, the Debtor is owed \$18,090.66 which Westlake has failed and refused to deliver to the Debtor. Copies of the refusals from Westlake are attached hereto as Exhibits A, B and C.

7. Two of the vehicles which Westlake has refused to deliver payment for were vehicles that the Debtor received from its floorplan company Next Gear.

8. Pursuant to the terms of the Interim Order on Use of Cash Collateral, the Debtor is required to pay its floorplanner when it sells a floored vehicle.

9. Without the funds from its sales, the Debtor will not be able to pay its floorplanner for the vehicles.

10. Counsel has contacted counsel for Westlake who has not provided any reason for Westlake to be holding the Debtor’s funds.

11. An emergency exists in the debtor will not be able to continue operations without the use of its funds.

WHEREFORE, PREMISES CONSIDERED, Debtor, DFW Boat Specialist, LLC respectfully prays this Honorable Court enter an Order that Westlake Financial be compelled to immediately release the funds due Debtor, and for such other and further relief, at law or in equity, to which Debtor may show itself justly entitled.

Respectfully submitted,

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BY: /s/ Eric Liepins
ERIC A. LIEPINS, SBN 12338110

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent to Westlake Financial 4751 Wlshire Blvs. Suite 100, Los Angeles CA 90010 and e-mail at Westlake Cusomer care@westlakefinancial.com and by and through its attorney of record, James Liebler at JRLII@lgplaw.com and the United States Trustee, Subchapter V trustee and all creditors on the attached matrix on this the 6th day of March 2023.

/s/ Eric Liepins
Eric A. Liepins